

**FILED**

**JUL 27 2006**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

BERTILA PEDROZA-PINEDA; LILIAN  
GALICIA-PEDROZA; and BRENDA  
GALICIA-PEDROZA,

Petitioners,

v.

ALBERTO R. GONZALES, Attorney  
General,

Respondent.

No. 04-73213

Agency Nos. A71-637-132  
A71-637-162  
A71-637-163

MEMORANDUM\*

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted July 24, 2006\*\*

Before: ALARCÓN, HAWKINS, and THOMAS, Circuit Judges.

Bertila Pedroza-Pineda (“Bertila”) and her daughters, Lilian Galicia-  
Pedroza (“Lilian”) and Brenda Galicia-Pedroza (“Brenda”), natives and citizens of

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\* This disposition is not appropriate for publication and may not be  
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without  
oral argument. *See* Fed. R. App. P. 34(a)(2).

Guatemala, petition for review of the Board of Immigration Appeals’ (“BIA”) decision affirming an immigration judge’s (“IJ”) order denying Bertila and Lilian’s motion to reopen deportation proceedings to permit them to apply for adjustment of status. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion, *Singh v. INS*, 295 F.3d 1037, 1039 (9th Cir. 2002), and we deny the petition for review in part, and grant in part and remand.

To be timely, Bertila and Lilian’s motion to reopen had to be filed no later than September 30, 1996. *See* 8 C.F.R. § 1003.23(b)(1) (a “motion to reopen must be filed within 90 days of the date of entry of a final administrative order of removal, deportation, or exclusion, or on or before September 30, 1996, whichever is later.”). They filed their motion on December 3, 2002. The BIA did not abuse its discretion when it concluded that their motion was untimely. *See Singh*, 295 F.3d at 1039 (stating that this court will reverse a denial of a motion to reopen only if arbitrary, irrational, or contrary to law).

Brenda did not move to reopen and the IJ’s order did not reference Brenda. We remand so that the BIA may delete the reference to Brenda from its order.

**PETITION FOR REVIEW DENIED with respect to petitioners Bertila and Lilian; GRANTED with respect to petitioner Brenda, and REMANDED.**